

From: Steve Scheiblauber [<mailto:Scheibla@ci.monterey.ca.us>]
Sent: Thursday, January 19, 2006 5:00 PM
To: Phil Isenberg
Subject: Re: A response to your email of January 11

Hi Phil,

Thanks for your response to my email. I'd like to keep talking about this a bit, not in the spirit of arguing with you, but in the spirit of maintaining a dialogue about this important issue. I hope you'll bear with me.

While you're right that my group of stakeholders thinks that our alternative is the best one of the bunch, I don't think there was anything in my memo that suggested that I thought it was the only one that the Blue Ribbon Task Force should recommend to go forward to the Department & the Commission. Far from it. The heart of my comment was that the Act, the MOU, and the Master Plan Framework require that "alternative MPA network proposals" go forward for Commission action.

The fact is, as stakeholders, we were never tasked with coming up with a single proposal. Quite the opposite * I and others grilled John Kirlin and John Ugoretz on a number of occasions about the fact that it was entirely appropriate that multiple alternatives be put forward.

Further, I had an email and voice exchange with John Kirlin whereupon I received assurances that these proposals would not be put into the blender to spit out a neutral-toned hybrid and that the proposals would remain intact. The fact of the matter is that there are a number of different MPA locations and configurations that can meet the requirements of the Act, including the SAT advice. So it's entirely appropriate, and necessary, that the Commission ultimately be given choices as to which network proposal feels right to them, is affordable, etc.

I suppose that the Blue Ribbon Task Force could try to develop an alternative proposal of your own, in addition to the other alternatives (Packages) that meet the Goals and Objectives and the SAT advice. As you know though, I think you'd be making a real mistake to do this because you Blue Ribbon Task Force members just don't know enough about habitats, species, use patterns, existing regulation, etc. You, as the Blue Ribbon Task Force, would be facing the ultimate irony of trying to develop a Package with an objective of taking an eco-system view of our coastal resources, but without the specific knowledge of the eco-system components. How would the BRTF ever develop a rationale statement?

I'm still pondering your comment that "the moral authority of an argument suggesting stakeholders' agreements should never be modified by the Task Force loses strength when the only "agreement" was inside each faction*not between all stakeholders." I think, Phil, that there's a hidden premise in this statement, and that is that there should only be a single unified recommendation made to the Department & the Commission.

Again, I don't see anything in the Act or the MOU that calls for this; in fact it's all language speaking of "alternative MPA networks." I draw your attention to the MPF, which spells out the role of the Task Force as "Evaluates network proposals against the MLPA's standards and other relevant State Laws", and in making recommendations. I also point out that we've never said that the BRTF shouldn't make suggestions to the package proponents; of course you have the right to do that! I do think it's completely fair for the Task Force to grill each of the Package proponents (and I hope you do) as to the degree to which they have sought to incorporate the needs of others. For my own part and the Package I have been involved in, I do not fear those questions at all.

I think we have bravely sought to work with others.

Regarding the challenge that you laid out at the November Task Force meeting, to "resolve the lessor areas of contention, or try and get a complete compromise," at least in terms of our Package, we took that very seriously and did just that. In

fact, a number of last minute changes made before the December 15th deadline were the result of our discussions with primarily Package 3 proponents. We did talk w/ Package

#2 proponents, but nothing fruitful came of it. I can't say what other negotiations went on between the other Packages. Perhaps they have taken up your challenges as well; I just don't know.

Regarding the SAT advice and role, I think the Task Force needs to be very careful that the SAT does not end up designing the network based on the theories of university professors. I'm just asking you to be sharp on the point that the SAT may propose standards that are not found in the Master Plan Framework, have not been put on the table through the whole network planning process up to now, not been peer-reviewed, not been reached by full consensus of the SAT, not approved by the Fish & Game Commission, and in fact, perhaps not consistent for the FGC's direction to include other management measures in the deliberation. You are a very sharp guy * please stay sharp on this issue.

Phil, I am assured that you and your Task Force members are trying to do a good job with this. Certain assumptions and premises, unintended consequences, the power of choice * all these things are near and dear to my philosophical heart. I believe that my comments apply to all Packages, and are not just favoring the one that I have been working on, and that I'm trying again to alert you to the minefield ahead. Thanks again.

Steve